

Exhibit 2

**UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION**

Jessica Gifford,

Plaintiff,

vs.

**Horry County Police Department, and
Saundra Rhodes,**

Defendants.

C.A. No.: 4:16-cv-03136-MGL

Affidavit of Patrick J. McLaughlin, Esq.

Personally, appeared before me, the undersigned Notary, for Florence County, South Carolina, Patrick J. McLaughlin, who being duly sworn and states under oath the following:

1. I am over the age of eighteen (18) and have personal knowledge of the matters stated herein, to the best of my knowledge and recollection.
2. That I am a member in good standing of the South Carolina and Florence County Bars, admitted to practice law in South Carolina (May 18, 2005), in the Federal District Court of South Carolina (October 18, 2005) and the United States Court of Appeals for the Fourth Circuit (October 17, 2014).
3. I am a past-President of the Florence County Bar Association, past-President and former Board Member of the South Carolina Association of Criminal Defense Lawyers (SCACDL), past-Board Member of Justice 360, current Board Member of the DUI Defense Lawyers Association (DUIDLA) and currently serve as the Criminal Law Chair for the South Carolina Association of Justice (SCAJ).

4. I have been qualified as an expert on civil litigation and insurance policy interpretation, providing opinion testimony at trial in South Carolina Circuit Court. See State v. David Hill, Case No.: 2020-GS-43-0245, May 24-26, 2021.

5. I have been asked by James B. Moore III, Scott C. Evans, and Amy Lawrence, counsel in above-captioned matter, to provide this affidavit regarding the market rate for hourly billing in comparable cases involving complex constitutional claims such as supervisory liability claims and 14th Amendment due process claims. For the last 10 years, I have devoted a large percentage of my law practice to handling complex civil rights and police misconduct cases. As such, I believe I am in a position to know what criteria are used to determine a reasonable legal fee, to include the time and labor required, the novelty and difficulty of the questions involved, the skill of the attorney to provide the services and advocacy, the fees customarily charged in the local area for such services, the amount involved and the results obtained, and the experience and reputation of the lawyer performing the services, among other criteria.

6. In providing this information, I understand that this action was litigated for six years and then tried to a verdict in the United States District Court for the District of South Carolina, Columbia Division, before the Honorable Mary G. Lewis the week of May 2, 2022. I further understand that the jury returned a verdict in favor of the Plaintiff, Jessica Gifford. The amount of the verdict awarded included \$500,000 in compensatory damages for 3 occurrences of negligence against the Horry County Police Department and a verdict of \$1.00 against Defendant Sandra Rhodes, the former chief of police, sued in her individual capacity pursuant to 42 U.S.C. §1983. I understand the jury determined that Defendant Rhodes violated Plaintiff's constitutional rights by demonstrating deliberate indifference in the supervision of her subordinate officer, former Detective Allen Large.

7. I have known James, Scott, and Amy professionally for a number of years and have had the opportunity to observe them in the practice of law and watched them try cases. I consider them to be talented, well-prepared and resourceful trial attorneys. Based on my own knowledge and experience, I believe James, Scott, and Amy utilized considerable legal skill to prevail on Plaintiff's constitutional claim, which is a very difficult and complex area of law.

8. Having devoted a large portion of my practice to pursuing these types of claims the last decade, it is my experience that the time, skill, and work it takes to have these claims survive to a jury is surpassed only by the time, skill, and work it takes to prevail at trial.

9. Based on my knowledge and experience, a reasonable hourly rate in South Carolina for lawyers of their experience and ability is between \$400 per hour and \$750 per hour, considering current market rates attorneys in complex civil litigation and civil rights litigation. Based upon my knowledge and experience, an hourly rate of \$200 to \$350 per hour for associate time is well within the range of current market rates.

10. The foregoing statements are based upon my own personal knowledge and experience.

Signed this 1 day of June 2022.


Patrick J. McLaughlin, Esquire

Sworn to before me, this the 1st day of June, 2022


Notary Public for South Carolina

My Commission Expires: 02/17/2026

